OPNAVINST 4860.7C

COMMERCIAL ACTIVITIES (CA) PROGRAM MANUAL



CHIEF OF NAVAL OPERATIONS

DEPUTY CHIEF OF NAVAL OPERATIONS (LOGISTICS)

7 JUNE 1999

NAVY COMMERCIAL ACTIVITIES (CA) PROGRAM MANUAL

Table of Contents

	<u>Page</u>
Part I—Policy Implementation	1
Chapter 1—General Provisions	1
A. General	1
B. Inherently Governmental Activities	10
C. Government Performance of Commercial Activities.	
1. National Defense or Intelligence Security	11
2. Patient Care	
3. Core Capability	11
4. Research and Development	
5. No Satisfactory Commercial Source	12
6. Functions with 10 or Fewer FTEs	12
7. Meet Performance Standard	12
8. Lower Cost	12
9. Temporary Authorization for In-House Performance	13
D. Contract Performance of Commercial Activities	13
1. Contracted Activities	13
2. New Requirements	13
3. Severable Expansions	13
4. Interservice Support Agreements (ISSA)	
5. Activities With 10 or Fewer Civilian FTE	
6. Activities with 11 or More FTE	14
7. Activities Performed by the Military	14
8. Preferential Procurement Programs	14
9. Lower Cost	15
E. Agency Cost Comparison Waivers	15
F. Inventory	15
G. Review of Documents	
1. Access to Supporting Documents	15
2. Appeals of Agency Decisions	
H. Personnel Considerations	16
I. Relationship to the Budget	19

	<u>Page</u>
Chapter 2—Interservice Support Agreements (ISSA)	19
A. General	19
B. Specific	
Chapter 3—Cost Comparisons	
·	
A. General	
B. The CA Study Team C. Performance Work Statements	
D. Quality Assurance Surveillance Plans.	
E. Management Plans	
F. Safeguarding the MEO	
G. Solicitations	
H. Methods of Procurement	
I. The Independent Review	27
J. Evaluation of Bids and Tentative Decisions	28
K. Appeals of Tentative Waiver and Cost Comparison Decisions	
L. Post-MEO Performance Review	31
Part II—Preparing the Cost Comparison Estimates	1
Chapter 1—Implementation Instructions	
A. General	1
B. Organization	1
Chapter 2—Developing the Cost of Government Performance	1
A. General	
1. Overview	
2. Standard Cost Factors	
3. Common Costs	
4. Retained and Save Pay	1
5. Cost of Conducting a Cost Comparison	
6. Proration of Performance Periods	
7. In-House Costs	
8. Minimum Cost Differentials	
9. Rounding Rule	
10. Inflation	
11. Other ISSA Adjustments	
B. Personnel (Line 1)	∠
D. Other Specifically Attributable (Line 3)	
1. Overview	

	<u> </u>	<u> age</u>
	Depreciation Cost of Capital Rent	3
	5. Maintenance and Repair	
	6. Utilities	
	7. Insurance	
	8. Travel	
	9. MEO Subcontract Costs.	
F	10. Other Costs	
	F. Additional (Line 5)	
	G. Total Cost—In-House Performance (Line 6)	
	napter 3—Developing the Cost of Contract Performance	
	A. General	
F	3. Contract Price (Line 7)	5 5
	1. Overview	
	2. Contract Types	
	3. Tax Exempt Organizations	
	4. Procurement Preference Eligible Organizations	
	C. Contract Administration (Line 8)	
	D. Additional (Line 9) E. One-Time Conversion (Line 10)	
	1. Overview	
	2. Material Related Cost.	
	3. Labor Related Costs	
	4. Other Costs	
	5. One-Time Cost Computation	
	F. Gain from the Disposal/Transfer of Assets (Line 11).	
	G. Federal Income Tax (Line 12)	
	H. Total Cost—Contract Performance (Line 13)	
Ch	napter 4—Calculating the Cost Comparison Decision	8
F	A. Conversion Differential (Line 14)	8
	3. Adjusted Total In-house Cost (Line 15)	
	C. Adjusted Total Contract Cost (Line 16)	
	D. The Cost Comparison Decision (Lines 17/18)	
	napter 5—Streamlined Cost Comparisons for Activities with 65 FTE or Less	
	A. General	
F	R Procedure	9

Appendices

Appendix A -- Definition of Terms and Acronyms

Appendix B – Mandatory/Advisory Publications and Internet Resources

Appendix C -- Reporting Requirements

Appendix D -- Public Affairs Guidance

Appendix E -- Principal Statutes Governing CA

Appendix F -- Brief Summary of the A-76 Decision Process

Appendix G -- The CA Function Nomination Examples

Appendix H--Ethics Issues Related to Participation in OMB Circular A-76 Cost Comparison Studies and Exercise of Right of First Refusal of Employment

Appendix I--Management Decision Procedure to Convert Activities Not Subject to OMB Circular A-76 to Contract

Appendix J -- Codes and Definitions of Functional Areas

Appendix K -- Compelling Reason Codes

List of Effective Pages

i-K1 Original

Record of Changes

CHANGE #	DATE	DATE ENTERED
	1	

Introduction

This Instruction implements

- Office of Management and Budget (OMB) Circular A-76, Performance of Commercial Activities, 1983 and its Revised Supplemental Handbook, 1996 (NOTAL)
- Department of Defense (DoD) Directive 4100.15, Commercial Activities Program, 10 Mar 1989 (NOTAL)
- The DoD Instruction (DODI) 4100.33, Commercial Activities Program Procedures, 9 Sep 1985 (NOTAL)

This Instruction

- Establishes policy for managing and implementing the Navy Commercial Activities (CA) program.
- The Navy's Commercial Activity (CA) Program is a component of the Navy's Strategic Sourcing program. The reinvention of government must consider a wide range of options, including: the consolidation, restructuring or reengineering of activities, privatization options, make or buy decisions, the adoption of better business management practices and the termination of services or programs. In the context of this reinvention effort, the A-76 effort is focused on the conversion of commercial activities. The Navy is pursuing the reinvention of its infrastructure by the implementation of Strategic Sourcing. The key step in Strategic Sourcing is the proper definition of a function to optimize the use of tools to maintain or improve the level of performance or service, at a reduced cost. The A-76 process is one of the tools that may be utilized by an organization to obtain greater efficiency at a reduced cost.
- Follows, generally, the outline of the OMB Circular A-76, Revised Supplemental Handbook, 1996 and must be read in conjunction with same. As such, section/paragraph titles in this instruction correspond to those in the Circular. Readers will note that certain sections in this document contain brief discussions and summaries while other sections are absent of any text. This is intentional so as not to repeat what is contained in the OMB Circular.
- Provides guidance and procedures for determining whether recurring commercial activities will be performed as in-house operations using Navy

facilities and personnel, or under contracts or agreements with commercial sources, state and local governments, and Federal agencies outside the DoD.

Commanders at all levels will continuously review their CA functions using the Commercial Activities inventory as a tool to identify competition opportunities. Commanders have authorization to nominate their activities as candidates for cost comparison.

If information contained herein conflicts with the law, or procedures contained in the OMB and DoD documents listed above, the law and/or OMB and DoD documents will have precedence over this instruction.